

*DRAFT MINUTES*  
City of Round Rock  
Regular City Council Meeting  
February 12, 2009

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The Round Rock City Council met in Regular Session on Thursday, February 12, 2009, in the City Council Chamber, 221 E. Main Street.

CALL SESSION TO ORDER – 7:00 P.M.

Mayor McGraw called the meeting to order at 7:03 p.m.

ROLL CALL: Those members present were Mayor Alan McGraw, Mayor Pro-Tem Joe Clifford, Councilmember Rufus Honeycutt, Councilmember George White, Councilmember Carlos T. Salinas, Councilmember Scott Rhode and Councilmember Kris Whitfield. Also present were City Manager Jim Nuse, Assistant Manager David Kautz, Assistant City Manager Cindy Demers, and City Attorney Steve Sheets.

PLEDGE OF ALLEGIANCE:

Mayor McGraw led the following Pledges of Allegiance:

3A. United States Flag

3B. Texas State Flag

CITIZEN COMMUNICATION

Cindy Demers, Round Rock Assistant City Manager, recognized Becca Ramsey, Utility Accountant and her son Hayden for donating money he won back to the VFW.

CONSENT AGENDA:

All items listed with an asterisk (\*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Council member in which event the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.

\*6A. Consider approval of the City Council minutes for January 22, 2009.

\*9A1. Consider an ordinance amending Chapter 9, Section 9.503, Round Rock Code of Ordinances, amending a school speed zone on Gattis School Road. (Second Reading)

\*10A1. Consider a resolution authorizing the Mayor to execute an addendum to the Depository and Banking Services Contract with Bank of America, said addendum adding "Image Cash Letter Services Amendment to the Terms and Conditions."

MOTION: Councilmember Honeycutt moved to approve the consent agenda. Councilmember Rhode seconded the motion.

WHEREAS, in 1976, Black History Month was formally adopted to honor and affirm the importance of Black History throughout our American experience, which goes back hundreds of

years and includes some of the most advanced and innovative societies in our history who we can draw inspiration from; and

WHEREAS, Black History Month is a time for all Americans to remember the stories and teachings of those who helped build our nation, took a stance against prejudice to build lives of dignity and opportunity, and advanced the cause of civil rights; and

WHEREAS, several churches and organizations in the community host events to commemorate Black History Month, including The Voice of Round Rock, the African American Chamber of Commerce of Williamson County, Sweet Home Baptist Church of Round Rock, Good Hope Missionary Baptist Church, the Round Rock Public Library, the Round Rock Independent School District, and many other organizations;

NOW, THEREFORE, I, ALAN MCGRAW, Mayor of the City of Round Rock, do proclaim the month of February as

**“BLACK HISTORY MONTH”**

in the City of Round Rock and encourage all citizens to join me in recognizing Black History Month and urge everyone to participate in the community’s many celebrations.

*PROCLAIMED this 12<sup>th</sup> day of February 2009.*

**PRESENTATIONS:**

**8A1. Consider a presentation and discussion regarding the Play for All Abilities**

Playground. Rick Atkins, Parks and Recreation Director made the staff presentation. David Buzzell presented the Council with the details on the playground and what all will be included. Rick Atkins covered the cost estimate of the project and finally Marge Tripp also presented to the Council regarding this playground and thanked the Council for their time and also introduced a few families that attended the Council meeting.

**ORDINANCES:**

**\*9A1. Consider an ordinance amending Chapter 9, Section 9.503, Round Rock Code of Ordinances, amending a school speed zone on Gattis School Road. (Second Reading)** This item was approved under the consent agenda.

**9A2. Consider an ordinance changing the name of a portion of Bowman to “Tiger Trail” in honor of the Stony Point High School Tigers, said portion being from Bowman Road’s intersection with Sunrise Boulevard, east to the city limits line. (First Reading)** Tom Word made the staff presentation. Albert Hernandez, Principal at Stoney Point High School thanked the Council for their support and for the name change.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE NAME OF A PORTION OF BOWMAN ROAD TO TIGER TRAIL; PROVIDING A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

**MOTION:** Councilmember Salinas moved to adopt the ordinance. Councilmember

That the proposed westside recreation center hereafter be named the Legacy Fieldhouse.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of February, 2009.

MOTION: Councilmember White moved to approve the resolution. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously

Mayor McGraw continued with the order of the agenda.

9B1. Consider an ordinance annexing approximately 0.51 acres, being East Old Settlers Right-of-Way immediately west of Brenda Lane. (First Reading) Jim Stendebach, Planning and Community Development Director made the staff presentation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ROUND ROCK, TEXAS, TO WIT: 0.51 ACRES OF LAND, OUT OF THE WILLIS DONAHO SURVEY, ABSTRACT NO. 173, IN WILLIAMSON COUNTY; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Mayor Pro-Tem Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

**VOTE:**            Ayes:            Councilmember Honeycutt  
                               Councilmember White

Councilmember Salinas  
Councilmember Rhode  
Councilmember Whitfield  
Mayor Pro-Tem Clifford  
Mayor McGraw

Nays: None

ACTION: The motion carried unanimously.

RESOLUTIONS:

\*10A1. Consider a resolution authorizing the Mayor to execute an addendum to the Depository and Banking Services Contract with Bank of America, said addendum adding "Image Cash Letter Services Amendment to the Terms and Conditions." This item was approved under the consent agenda.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City entered into a Depository and Banking Services Contract with Bank of America, N.A. by Resolution R-07-04-26-12D1, same being dated April 26, 2007, and

WHEREAS, the term of the current Contract extends until May 31, 2009, and

WHEREAS, the City and Bank of America, N.A. now desire to add certain amendments, addenda, and agreements to the original Depository and Banking Services Contract package, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That the Mayor is hereby authorized and directed to execute on behalf of the City the following: "Image Cash Letter Services Amendment to the Terms and Conditions," a copy of same being attached hereto as Exhibit "I," and same is incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of February, 2009.

10A2. Consider a resolution authorizing property tax refunds to Celerity, Inc. for 2006 and 2007 taxes totaling \$55,352.88. Cheryl Delaney, Finance Director made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock is mandated by V.T.C.A., Tax Code §31.11 to refund, upon taxpayer application to the tax collector of its taxing unit and upon verification by the auditor of its taxing unit, any overpayment or erroneous payment of taxes; and

WHEREAS, if such amount exceeds \$500.00, then the governing body of the taxing unit must also determine that the payment was erroneous or excessive and must approve the refund, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the following named taxpayer, Celerity, Inc. has made an overpayment or erroneous payment of 2006 and 2007 taxes in the amount of \$55,352.88; that such amount is

in excess of \$500.00; that such overpayment or erroneous payment has been verified by the Tax Collector; and that application for refund has been made to the Tax Collector by said taxpayers.

The Council further finds and makes a determination that the payment was erroneous or excessive; and further approves such refund in the amount of \$55,352.88.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of February, 2009.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Mayor Pro-Tem Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

10B1. Consider a resolution authorizing the Mayor to execute an agreement with Holmes Murphy & Associates for provision of employee benefit consulting services. Teresa Bledsoe, Human Resources Director made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock desires to retain professional consulting services regarding the City’s benefit programs, and

WHEREAS, Holmes Murphy & Associates has submitted an Agreement for Provision of Employee Benefit Consulting Services (“Agreement”) to provide said services, and

WHEREAS, the City Council desires to enter into said Agreement with Holmes Murphy & Associates, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement for Provision of Employee Benefit Consulting Services with Holmes Murphy & Associates regarding the City’s benefit programs, a copy of said Agreement being attached hereto as Exhibit “A” and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended

RESOLVED this 12th day of February, 2009.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Salinas seconded the motion.



VOTE:           Ayes:           Councilmember Honeycutt  
                                          Councilmember White  
                                          Councilmember Salinas  
                                          Councilmember Rhode  
                                          Councilmember Whitfield  
                                          Mayor Pro-Tem Clifford  
                                          Mayor McGraw  
                          Nays:           None

ACTION: The motion carried unanimously.

10C1. Consider a resolution authorizing the Mayor to execute Change Order No. 2 with Chasco Constructors for the Old Settlers Park Sports Complex Improvements Project "A." Rick Atkins, Parks and Recreation Director made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock has previously entered into a contract ("Contract") with Chasco Constructors for the Old Settlers Park Sports Complex Improvements Project "A", and

WHEREAS, the Council has determined that it is necessary to make changes to the quantity of work to be performed or materials, equipment, or supplies to be provided, and

WHEREAS, it has been determined that it is necessary to change said Contract in accordance with the attached Contract Change Order No. 2, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, Contract Change Order No. 2 to the Contract with Chasco Constructors for the Old Settlers Park Sports Complex Improvements Project "A", a copy of said change order being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of February, 2009.

MOTION: Mayor Pro-Tem Clifford moved to approve the resolution. Councilmember Rhode seconded the motion.

VOTE:           Ayes:           Councilmember Honeycutt  
                                          Councilmember White  
                                          Councilmember Salinas  
                                          Councilmember Rhode  
                                          Councilmember Whitfield  
                                          Mayor Pro-Tem Clifford  
                                          Mayor McGraw  
                          Nays:           None

ACTION: The motion carried unanimously.

10C2. Consider a resolution authorizing the City Council to name the proposed westside recreation center, Legacy Fieldhouse. This item was considered earlier in the meeting, out of the order of the regular agenda.

10D1. Consider a resolution authorizing the Mayor to execute an Amended and Restated Financing Agreement between the Brushy Creek Regional Utility Authority and the Texas Water Development Board for the Regional Water System Project. Michael Thane, Utilities Director made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock, Texas (the "City") as a participating member of the Brushy Creek Regional Utility Authority, Inc, (the "BCRUA") has previously approved the BCRUA executing a financing agreement with the Texas Water Development Board ("TWDB") regarding the purchase of a series of bonds to be issued by the BCRUA for the City related to the BCRUA Project; and

WHEREAS, due to the delay of the BCRUA Project, the TWDB has submitted a new Financing Agreement for approval; and

WHEREAS, it is hereby further officially found and determined that public notice of the time, place, and purpose of this meeting was given, all as required by Texas Government Code, Chapter 551; Now Therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS, THAT:

**SECTION 1. FINANCING AGREEMENT.** The City approves the BCRUA executing a financing agreement with the TWDB in substantially the form and substance attached hereto as Exhibit "A" with such changes as may be approved by the City Attorney and bond counsel to the BCRUA in connection with the BCRUA issuing one or more series of bonds to finance the BCRUA Project as described in the Master Contract. The City Manager is hereby delegated the authority to confer with the BCRUA General Manager regarding approval of TWDB financing rates in accordance with the financing agreement.

**SECTION 2. IMMEDIATE EFFECT.** This Resolution shall take effect immediately from and after its adoption in accordance with the law. The City Manager is authorized to take such actions as necessary to implement this Resolution.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of February, 2009.

MOTION: Councilmember Whitfield moved to approve the resolution. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Councilmember White
		Councilmember Salinas
		Councilmember Rhode
		Councilmember Whitfield
		Mayor Pro-Tem Clifford

Mayor McGraw  
Nays: None

ACTION: The motion carried unanimously.

10D2. Consider a resolution authorizing the Mayor to execute a Contract for Engineering Services with Camp Dresser & McKee, Inc. for the 2009 Water Treatment Plant Rehabilitation and 1.5 MG Clearwell project. Michael Thane, Utilities Director made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock desires to retain engineering services for the 2009 Water Treatment Plant Rehabilitation and 1.5 MG Clearwell Project, and

WHEREAS, Camp Dresser & McKee, Inc. has submitted a Contract for Engineering Services to provide said services, and

WHEREAS, the City Council desires to enter into said contract with Camp Dresser & McKee, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Contract for Engineering Services with Camp Dresser & McKee, Inc. for the 2009 Water Treatment Plant Rehabilitation and 1.5 MG Clearwell Project, a copy of said contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of February, 2009.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Councilmember White  
Councilmember Salinas  
Councilmember Rhode  
Councilmember Whitfield  
Mayor Pro-Tem Clifford  
Mayor McGraw  
Nays: None

ACTION: The motion carried unanimously.

10D3. Consider a resolution authorizing the Mayor to execute a Contract for Engineering Services with S.D. Kallman, LP for the Greenslopes A/C Waterline Replacement project. Michael Thane, Utilities Director made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock desires to retain engineering services for the Greenslopes asbestos-cement (A/C) Waterline Replacement Project, and

WHEREAS, S.D. Kallman, L.P. has submitted a Contract for Engineering Services to provide said services, and

WHEREAS, the City Council desires to enter into said contract with S.D. Kallman, L.P.,  
Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Contract for Engineering Services with S.D. Kallman, L.P. for the Greenslopes asbestos-cement (A/C) Waterline Replacement Project, a copy of said contract being attached hereto as Exhibit “A” and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of February, 2009.

MOTION: Councilmember White moved to approve the resolution. Councilmember Whitfield seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

10E1. Consider a resolution calling the May 9, 2009 General Election. Sara White, City Secretary made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF ROUND ROCK, TEXAS, CALLING AN ELECTION FOR MAY 9, 2009 FOR THE PURPOSE OF ELECTING CERTAIN OFFICIALS; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS AT EACH POLLING PLACE; AND PROVIDING FOR OTHER MATTERS RELATED TO SUCH ELECTION.

STATE OF TEXAS	§	
	§	
COUNTIES OF TRAVIS	§	KNOW ALL BY THESE PRESENTS:
AND WILLIAMSON	§	
	§	
CITY OF ROUND ROCK	§	

WHEREAS, pursuant to the provisions of the Texas Election Code (as amended), other

related statutes, and its Home Rule Charter, the City Council of the City of Round Rock, Texas, is authorized to order a city election for the purpose of electing Councilmember Place 3, and Councilmember Place 5; and

WHEREAS, the City Council has determined that Saturday, May 9, 2009 is the appropriate date for holding such election, and that date allows sufficient time to comply with requirements of law; and

WHEREAS, the City Council wishes to encourage all registered voters in the City of Round Rock to vote in this election; and

WHEREAS, it is hereby officially found and determined that the written public notice of the date, hour, place, purpose and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551 of the Texas Government Code (as amended); Now, therefore:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS, THAT:

**Section 1. ELECTION DATE, PRECINCTS AND POLLING PLACES, AND ELECTION JUDGES.**

**Election Date.** An election shall be held on Saturday, May 9, 2009 in accordance with the attached Order of Election, which Order of Election is labeled as Exhibit "A" and incorporated herein by reference for all purposes.

**Precincts and Polling Places.** The City hereby designates the election precincts and polling places designated by the Williamson County Elections Administrator, and approved by the Williamson County Commissioners Court, for such Election Day voting. Further, the City hereby designates the early voting polling places and the temporary polling places designated by the Williamson County Elections Administrator, and approved by the Williamson County Commissioners Court, for early voting in such election.

**Election Judges.** The Williamson County Elections Administrator is conducting such election for the City pursuant to the terms of an Election Services Contract. The City Council hereby appoints, for the term of such election, the presiding election judge(s) and alternate election judge(s) as being those designated by the Williamson County Elections Administrator.

**Section 2. ELECTION CLERKS.**

The presiding election judge is hereby authorized to appoint the number of election clerks necessary to assist in the proper conduct of the election, and such election clerks shall be qualified voters of the City of Round Rock, Texas. If the election is conducted by the regularly appointed presiding election judge, then the alternate presiding election judge shall be appointed to serve as one of the clerks. The appointment of such clerks shall include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election.

**Section 3. EARLY VOTING.**

**Early Voting Clerk.** The City Council hereby appoints the Williamson County Elections Administrator as the City of Round Rock Election Officer and Early Voting Clerk. The Early Voting Clerk's mailing address to which ballot applications and ballots to be voted by mail may be sent is as follows:

Williamson County Elections Administrator  
Post Office Box 209  
Georgetown, TX 78627-0209

Applications for ballots by mail must be received not later than 5:00 p.m. on Friday, May 1, 2009.

**Dates for Early Voting.** Early voting shall commence on Monday, April 27, 2009 and continue through Tuesday, May 5, 2009, as provided by the Texas Election Code and as shown on attached exhibits.

**Places for Early Voting.** Early voting shall be conducted by personal appearance and by

mail at the early voting polling places designated by the Williamson County Elections Administrator and approved by the Williamson County Commissioners Court.

**Times for Early Voting.** During the period in which early voting is required or permitted by law, that being April 27, 2009 through May 5, 2009, the hours designated for early voting by personal appearance shall be designated in writing by the Williamson County Elections Administrator, and approved by the Williamson County Commissioners Court.

**Section 4. EARLY VOTING BALLOT BOARD.**

An Early Voting Ballot Board is hereby created to process early voting results, and the City hereby appoints the presiding judge of the Early Voting Ballot Board as appointed by the Williamson County Elections Administrator. Such presiding judge shall appoint not less than two (2) other qualified members to serve on such Board.

**Section 5. CUSTODIAN OF ELECTION RECORDS.**

Pursuant to the Texas Election Code and the applicable Election Services Contract, the Williamson County Elections Administrator shall serve as the custodian of voted ballots, and the City Secretary of Round Rock, Texas shall be appointed as custodian of all other election records.

**Section 6. CANDIDATE FILING PERIOD.**

In accordance with Section 143.007 of the Texas Election Code, the deadline for filing an application for a place on the ballot for this election is declared to be 5:00 pm Monday, March 9, 2009.

**Section 7. VOTERS.**

All resident, qualified voters of the City shall be entitled to vote at the election.

**Section 8. NOTICE.**

**Posting.** Notice of this election, including a Spanish translation hereof, shall be given by posting the appropriate documentation on the bulletin board used for posting notices of City Council meetings, and same shall be posted not later than Friday, April 17, 2009 and shall remain posted through Election Day.

**Publication.** Notice of this election, including a Spanish translation hereof, shall be published once in a newspaper of general circulation in the City, the publication to appear not earlier than April 9, 2009 nor later than April 27, 2009.

**Authorization to City Secretary.** The City Secretary is hereby authorized and directed to publish and post the required notices in the manner and for the time periods required by law.

**Section 9. VOTING DEVICES.**

Pursuant to the Election Code and the applicable Election Services Contract, the Williamson County Elections Administrator may use electronic voting systems and corresponding voting devices and equipment in conducting the election. The Williamson County Elections Administrator is currently using election systems and software certified by the Texas Secretary of State.

The City Council of the City of Round Rock, Texas, finds as follows:

Section 61.012, Texas Election Code, requires that at least one accessible voting station must be provided in each polling place used in a Texas election on or after January 1, 2006. Such system must comply with state and federal laws setting the requirements for voting systems that (i) fully comply with applicable laws relating to accessible voting systems which make voting accessible for disabled voters; and (ii) provide a practical and effective means for voters with physical disabilities to cast a secret ballot. The Office of the Texas Secretary of State has certified that the DRE - Election Systems and Software iVotronic is an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035, Texas Election Code, authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. As chief elections officer for the City of Round Rock, the Williamson County Elections Administrator shall provide at least one DRE - Election Systems and Software iVotronic in each polling place at every polling location used to conduct any election ordered on or after January 1, 2006. The DRE - Election Systems and Software iVotronic may be acquired by any legal means available to the City of Round Rock,

including but not limited to lease or rental from Williamson County or from any other legal source, as authorized or required by Sections 123.032 and 123.035 of the Texas Election Code.

The Williamson County Elections Administrator may also utilize a central counting station as provided by Texas Election Code § 127.000 *et seq.*, as amended.

**Section 10. CONDUCT ACCORDING TO STATUTES.**

In all substantive respects, the election shall be conducted in accordance with applicable provisions of the Texas Election Code, any other applicable statutes, and the City of Round Rock's Home Rule Charter.

**Section 11. ELECTION RESULTS.**

The Williamson County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on May 9, 2009. The official canvass, tabulation and declaration of the results of the election shall be conducted by the City Council at a regular or special council meeting held in accordance with provisions of the Texas Election Code.

**Section 12. MISCELLANEOUS.**

The provisions of this Resolution are severable; and in case any one or more of the provisions of this Resolution or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, then the remainder of this Resolution nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all in accordance with and as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Act.

RESOLVED on this the 12th day of February 2009.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Whitfield seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

10E2. Consider a resolution authorizing the Mayor to execute a Contract for Election Services with the Williamson County Elections Administrator for the May 9, 2009 General Election. Sara White, City Secretary made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock wishes to enter into a contract with the Williamson County Elections Administrator to conduct the May 9, 2009 election, and

WHEREAS, the Williamson County Elections Administrator has submitted a proposed Contract for Election Services ("Contract"), and

VOTE:

Ayes:

Councilmember Honeycutt

Councilmember White

Councilmember Salinas

Councilmember Rhode

Councilmember Whitfield

Mayor Pro-Tem Clifford

Mayor McGraw

10E3. Consider a resolution authorizing the Mayor to execute a Joint Election Agreement with Williamson County Participating Entities for the May 9, 2009 General Election.

Sara White, City Secretary made the staff presentation.

WHEREAS, the City of Round Rock is contracting with Williamson County to conduct and provide election services on May 9, 2009; and

WHEREAS, other political subdivisions within the County have contracted or are contracting with Williamson County to conduct and provide election services on May 9, 2009; and

WHEREAS, the City of Round Rock wishes to enter into a Joint Election Agreement for the purpose of sharing election equipment, election officials, and sharing precinct polling locations, and election ballots where appropriate; and

That the Mayor is hereby authorized and directed to execute, on behalf of the City, a Joint Election Agreement with the Williamson County Participating Entities, a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and



the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of February, 2009.

MOTION: Mayor Pro-Tem Clifford moved to approve the resolution. Councilmember White seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

10E4. Consider a resolution authorizing the Mayor to execute a Professional Consulting Services agreement with Capitol Partners, Inc. Cindy Demers, Assistant City Manager, made the staff presentation. She also introduced Jonathan Orlaff, President of Capitol Partners, who introduced his firm and answered the Council's questions.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock desires to retain professional consulting services in relation to identifying and securing federal funding for growth and development projects, and

WHEREAS, Capitol Partners, Inc. has submitted an Agreement for Professional Public Affairs Consulting Services to provide said services, and

WHEREAS, the City Council desires to enter into said agreement with Capitol Partners, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement for Professional Public Affairs Consulting Services with Capitol Partners, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended

RESOLVED this 12th day of February, 2009.

MOTION: Councilmember Whitfield moved to approve the resolution. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield
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Councilmember Rhode  
Councilmember Whitfield  
Mayor Pro-Tem Clifford  
Mayor McGraw

Nays: None

ACTION: The motion carried unanimously.

10F1. Consider a resolution authorizing the Mayor to execute Supplemental Contract No. 1 with Page Southerland Page, LLP for the Southwest Downtown District Utility and Street Improvements Phase II project. Tom Word, Chief of Public Works, made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock has previously entered into a Contract for Engineering Services ("Contract") with Page Southerland Page, L.L.P. for the Southwest Downtown District Utility and Street Improvements Phase II Project, and

WHEREAS, Page Southerland Page, L.L.P. has submitted Supplemental Contract No. 1 to the Contract to modify the provisions for the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Contract No. 1 with Page Southerland Page, L.L.P., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Contract No. 1 to the Contract with Page Southerland Page, L.L.P., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of February, 2009.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Councilmember White  
Councilmember Salinas  
Councilmember Rhode  
Councilmember Whitfield  
Mayor Pro-Tem Clifford  
Mayor McGraw

Nays: None

ACTION: The motion carried unanimously.

10F2. Consider a resolution authorizing the Mayor to execute Change Order No. 9 with RGM Constructors, LP for the Kiphen Road, Phase II Project. Tom Word, Chief of Public Works made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock has previously entered into a contract ("Contract") with RGM Constructors, L.P. for the Kiphen Road, Phase II Construction Project, and

WHEREAS, the Council has determined that it is necessary to make changes to the quantity of work to be performed or materials, equipment, or supplies to be provided, and

WHEREAS, it has been determined that it is necessary to change said Contract in accordance with the attached Contract Change Order No. 9, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, Contract Change Order No. 9 to the Contract with RGM Constructors, L.P. for the Kiphen Road, Phase II Construction Project, a copy of said change order being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of February, 2009.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Salinas seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

10F3. Consider a resolution authorizing the Mayor to execute a Discretionary Service Agreement with Oncor to relocate overhead facilities to underground conduit duct banks for the Southwest Downtown Infrastructure Improvements Phase 1B Project. Tom Word, Chief of Public Works made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock ("City") is planning a street improvements project for the Southwest Area Downtown Infrastructure Phase 1B ("Project"), and

WHEREAS, Oncor Electric Delivery Company LLC ("Oncor") has overhead electrical facilities which must be relocated in order to proceed with the Project, and

WHEREAS, the City and Oncor wish to enter into a Discretionary Service Agreement for the relocation of said electrical facilities, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Discretionary Service Agreement with Oncor Electric Delivery Company LLC, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such

meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of February, 2009.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Salinas seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

10F4. Consider a resolution authorizing the Mayor to execute an Interlocal Agreement with Central Texas Regional Mobility Authority for a commuter rail link feasibility study. Tom Word, Chief of Public Works, made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, Chapter 791 of the Texas Government Code, V.T.C.A., authorizes local governments and agencies of the state to enter into agreements with one another to perform governmental functions and services, and

WHEREAS, the City of Round Rock wishes to enter into an Interlocal Agreement with the Central Texas Regional Mobility Authority for a commuter rail link feasibility study, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Interlocal Agreement with the Central Texas Regional Mobility Authority for a commuter rail link feasibility study, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of February, 2009.

MOTION: Councilmember Salinas moved to approve the resolution. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield
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Mayor Pro-Tem Clifford  
Mayor McGraw

Nays: None

ACTION: The motion carried unanimously.

10F5. Consider a resolution affirming the City of Round Rock's commitment to assist in emission reduction actions toward securing a voluntary ongoing "in attainment" designation for Williamson County. John Dean of Transportation Services made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF ROUND ROCK, TEXAS TO IMPLEMENT EMISSION REDUCTION ACTIONS TO ASSIST IN CLEAN AIR EFFORTS AND TO MAINTAIN WILLIAMSON COUNTY'S DESIGNATION AS "IN ATTAINMENT" WITH REGARD TO GROUND LEVEL OZONE STANDARDS

WHEREAS, the citizens of the City of Round Rock and of Williamson County recognize the value of and are conscious of the need for clean air; and

WHEREAS, new ozone standards as promulgated by the US Environmental Protection Agency expose Williamson County and its citizens to possible designation as a non-attainment area under the new standards; and

WHEREAS, current and ongoing efforts of Williamson County, its communities, and other communities to use approved emission reduction measures, including enhanced vehicle inspection and maintenance programs, provided support to the Texas Commission on Environmental Quality to omit Williamson County from a proposed list of non-attainment counties; and

WHEREAS, concerted efforts to reduce ozone-forming emissions by the citizens, communities, schools and industry in Williamson County during the April through October ozone season will help preclude Williamson County being listed as non-attainment for 2009 and future years; and

WHEREAS, a designation of non-attainment will inhibit local flexibility in planning and development and will create negative economic impacts to the citizens of the City of Round Rock and of Williamson County for up to twenty years; Now Therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City of Round Rock affirms its commitment to helping reduce ozone-forming emissions by implementing actions that are accepted by the Texas Commission on Environmental Quality in line with existing reduction measures to help voluntarily secure an ongoing designation of "in attainment" under the National Ambient Air Quality Standards for Ground Level Ozone.

That the City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all in accordance with and as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED on this the 12th day of the month of February, 2009.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Councilmember White

Councilmember Salinas  
Councilmember Rhode  
Councilmember Whitfield  
Mayor Pro-Tem Clifford  
Mayor McGraw

Nays: None

ACTION: The motion carried unanimously.

EXECUTIVE SESSION:

11A1. Consider Executive Session as authorized by §551.072 Government Code, related to the purchase of real property to wit: Approximately 110 acres owned by Cypress Semiconductor and located between Cypress Boulevard and Interstate 35.

The Council recessed to the Executive Chamber for the Executive Session. Mayor McGraw called the Executive Session to order at 9:20 p.m. and adjourned at 9:50 p.m.

11A2. Consider Executive Session as authorized by §551.072 Government Code, related to the purchase of real property to wit: the Regional Wastewater System owned by the Lower Colorado River Authority.

The Council recessed to the Executive Chamber for the Executive Session. Mayor McGraw called the Executive Session to order at 9:50 p.m. and adjourned at 10:15 p.m.

11A3. Consider Executive Session as authorized by §551.087 Government Code, related to Economic Development regarding the proposed “Citi Center” located on the corner of US79 and N. Mays Street.

The Council recessed to the Executive Chamber for the Executive Session. Mayor McGraw called the Executive Session to order at 10:15 p.m. and adjourned at 10:25 p.m.

11A4. Consider Executive Session as authorized by §551.072 Government Code, related to the purchase of real property located at 210 Round Rock Ave.

The Council recessed to the Executive Chamber for the Executive Session. Mayor McGraw called the Executive Session to order at 10:35 p.m. and adjourned at 10:55 p.m.

ACTION RELATIVE TO EXECUTIVE SESSION:

12A1. Consider discussion and/or possible action to authorize the Mayor to execute a Memorandum of Understanding with Jimmy Nassour related to the purchase of real property

to wit: Approximately 110 acres owned by Cypress Semiconductor and located between Cypress Boulevard and Interstate 35.

MOTION: Councilmember Salinas moved to authorize the Mayor to execute a Memorandum of Understanding with Jimmy Nassour. Councilmember Rhode seconded the motion.

VOTE:           Ayes:           Councilmember Honeycutt  
                                          Councilmember White  
                                          Councilmember Salinas  
                                          Councilmember Rhode  
                                          Councilmember Whitfield  
                                          Mayor Pro-Tem Clifford  
                                          Mayor McGraw  
                          Nays:           None

ACTION: The motion carried unanimously.

12A2. Consider discussion and/or possible action related to the purchase of real property to wit: the Regional Wastewater System owned by the Lower Colorado River Authority.

MOTION: Councilmember Honeycutt moved to authorize the City Manager to continue negotiations with LCRA in regards to the Regional Wastewater System. Councilmember Rhode seconded the motion.

VOTE:           Ayes:           Councilmember Honeycutt  
                                          Councilmember White  
                                          Councilmember Salinas  
                                          Councilmember Rhode  
                                          Councilmember Whitfield  
                                          Mayor Pro-Tem Clifford  
                                          Mayor McGraw  
                          Nays:           None

ACTION: The motion carried unanimously.

12A3. Consider discussion and/or possible action related to Economic Development regarding the proposed “Citi Center” located on the corner of US79 and N. Mays Street.

No action was taken on this executive session.

12A4. Consider discussion and/or possible action related to the purchase of real property located at 210 Round Rock Ave.

MOTION: Councilmember Rhode moved to authorize the Mayor to accept the



assignment of a real estate contract for 210 Round Rock Avenue. Councilmember Salinas seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:57 p.m.

Respectfully Submitted,

Sara L. White, City Secretary